SHIPPING—SEAMAN—DUTY TO FURNISH MEDICAL ATTENDANCE.—A seaman claimed reimbursement for expenses incurred for surgical and medical attendance made necessary while in discharge of duty on defendant's steamer. *Held*, that at the common law the ship owner is not liable to provide surgical or medical aid for the ship's company. *Morgan* v. *British Yukon Navigation Co.* (1903),—British Columbia—, 40 Can. LawJournal, 46.

This appears contrary to the authorities, both English and American. *Couch* v. *Steel*, 3 El. & Bl. 402, 77 E.C.L. 402; *The Vigilant*, 30 Fed. 288; *Scarff* v. *Metcalf*, 107 N. Y. 211. The duty of caring for the seaman continues during sickness on the shore. *The Wensleydale*, 41 Fed. 829; *The Magna Charta*, Fed. Cas. No. 8953. And the obligation exists even if he is removed to his home. *Holt* v. *Cummings*, 102 Pa. 212. Some distinction has been made as regards the persons, liable and conflict of opinion has arisen upon that point, but little difference is found as to the liability itself. *Scarff* v. *Metcalf*, *supra*. A similar duty obtains to care for apprentices. *Easly* v. *Craddock*, 4 Rand. (Va.) 423; *Rice* v. *Breheny*, 2 Houst. (Del.) 74. But no such obligation rests upon the master in the ordinary relation of service. *Jesserich* v. *Walruff*, 51 Mo. App. 270; *Sweetwater Mfg. Co.* v. *Glover*, 29 Ga. 399. Upon the question whether carriers and others having like hazardous employment are responsible to their employees for medical attendance, there is a conflict of authority. See on this subject, 2 MICHIGAN LAW REVIEW 1.

SURETYSHIP—EXECUTOR'S INDEBTEDNESS TO ESTATE—LIABILITY OF SURETY ON BOND.—Defendant was surety on an executor's bond. The executor was a member of an insolvent firm which was indebted to the testatrix. Business had been carried on, however, for about fourteen months after the death of the testatrix. The action is brought to charge the surety with the amount of the indebtedness. *Held*, that the surety was liable. *Bassett* v. *Fidelity & Deposit Co.* (1903), — Mass. —, 68 N. E. Rep 205.

The decision is rendered on the theory that an executor must treat a debt due from himself to the estate as an asset for the payment of debts, and so far at least are the authorities agreed. *Leland* v. *Felton*, 83 Mass. (1 Allen) 531; *Tracy* v. *Card*, 2 Ohio St 431; *Kaster* v. *Pierson*, 27 Iowa 90 1 Am. Rep. 254; *Mitchell* v. *Thompson*, 18 D. C. 130; *Crow* v *Conant*, 90 Mich. 247, 51 N. W Rep. 450, 30 Am. St. Rep. 427. Taking this as a basis, the court concludes that the sureties on the executor's bond are liable for the debt in case of his insolvency. Upon this point, however, there is some diversity among the authorities. In accord are *Treweek* v. *Howard*, 105 Cal. 434, 39 Pac. Rep. 20; *Kealhofer* v. *Emmert*, 79 Md. 248, 29 Atl. Rep. 68; *McGaughey* v. *Jacoby*, 54 Ohio St. 487, 44 N. E. Rep. 231. New York denies the rule, *Keegan* v. *Smith*, 39 N. Y. Supp. 826, while in other states liability depends on whether or not the executor was solvent at the time of his appointment, and could then, or thereafter have paid the debt. *Harker* v. *Irick*, 10 N. J Eq. (2 Stockt.) 269; *Garber* v. *Commonwealth*, 7 Pa St. (7 Barr.) 265; *Spurlock* v. *Earles*, 67 Tenn. (8 Baxt ) 437; *Lyon* v. *Asgood*, 58 Vt. 707, 7 Atl. Rep. 5; *State* v. *Gregory*, 119 Ind. 503, 22 N. E. Rep. 1. Nearly all of these cases being cited to the court were disapproved.

TORT—LIBEL—PUBLICATION OF PICTURES.—Defendant published a picture of plaintiff in connection with an article about a notorious Italian brigand. The name beneath the picture was that of the brigand, and the accompanying article contained statements tending to show that plaintiff was not the person referred to. In an action for libel, *Held*, defendant liable. *DeSando* v. *New York Herald Co.* (1903), — App. Div. (N. Y.) —, 85 N. Y. Supp. 111.